

10-19-05

1615

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/661,773
Filing Date	September 14, 2000
First Named Inventor	Simon F. Williams
Art Unit	1615
Examiner Name	Carlos A. Azpuru
Attorney Docket Number	TEPH 102

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| | <input type="checkbox"/> Landscape Table on CD | |

PLEASE SEE REMARKS SECTION FOR LIST OF ENCLOSURES

Remarks

Transmittal of Information Disclosure Statements filed August 27, 2001 and October 13, 2005; copy of Information Disclosure Statement filed on August 27, 2001 including 4 pages of Form PTO-1449 and copies of forty-eight (48) documents cited therein; copy of Information Disclosure Statement filed on October 13, 2005 including one (1) page of Form PTO-1449 and 2 documents cited therein; copy of return postcard showing the "received stamp" from the PTO; copy of Office Action mailed April 25, 2005; Certificate of mailing under 37 CFR 1.10; and Fee Sheet (PTO/SB/11); return postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pabst Patent Group LLP		
Signature			
Printed name	Tiffany B. Salmon		
Date	October 18, 2005	Reg. No.	55,589

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

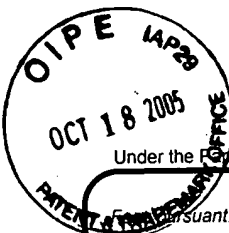
Typed or printed name Ronna Berman

Date October 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TEPH 102 / 077930-00003



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Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	09/661,773
Filing Date	September 14, 2000
First Named Inventor	Simon F. Williams
Examiner Name	Carlos A. Azpuru
Art Unit	1615
Attorney Docket No.	TEPH 102

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
18 - 20 or HP =	0	x	= 0.00			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
3 - 3 or HP =	0	x	= 0.00

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	55,589	Telephone	(404) 879-2153
Name (Print/Type)	Tiffany B. Salmon	Date	October 18, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Simon F. Williams and David P. Martin

Express Mail Label No.: EV 487330145 US

Serial No.: 09/661,773

Date of Deposit: October 18, 2005

Filed: September 14, 2000

Art Unit: 1615

Examiner: Carlos A. Azpuru

For: *POLYHYDROXYALKANOATE COMPOSITIONS FOR SOFT TISSUE REPAIR, AUGMENTATION, AND VISCOSUPPLEMENTATION*

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENTS FILED

AUGUST 27, 2001 AND OCTOBER 13, 2005

Sir:

In response to the telephone conversation with the Examiner on October 14, 2005, transmitted herewith are the (1) a copy of the Information Disclosure Statement (IDS) filed August 27, 2001 including a copy of the forty-eight (48) documents cited therein; (2) a copy of the self-addressed return postcard filed with the IDS on August 27, 2001 received with the "Received" stamp of the U.S. Patent and Trademark Office dated August 29, 2001; (3) a copy of the Office Action mailed April 25, 2005 by Examiner Tahira Bhatti; and (4) a copy of the IDS filed October 13, 2005 including a copy of the two (2) documents cited therein.

In a conversation with Examiner Azpuru on October 14, 2005, the Examiner noted that the IDS filed August 27, 2001 was not matched with the above-referenced application. Pursuant to the Examiner's request a complete copy of the IDS filed August 27, 2001 is enclosed. A copy of the postcard with the "Received" stamp of the U.S. Patent and Trademark Office dated August 29, 2001 and a copy of the Office Action mailed April 25, 2005 by Examiner Tahira Bhatti (see page 2 of the Office Action) are also enclosed, both of which indicate that the U.S. P.T.O. received the IDS filed August 27, 2001. We thank the Examiner for his attention to this matter.

In order to assure that the IDS filed October 13, 2005 is matched with the above-referenced application, a copy of this IDS is also enclosed.

Consideration of these Information Disclosure Statements is greatly appreciated.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-3129.

Respectfully submitted,

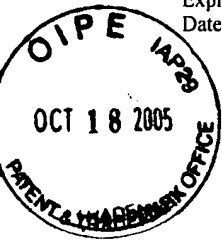


Tiffany B. Salmon
Registration No. 55,589

Date: October 18, 2005

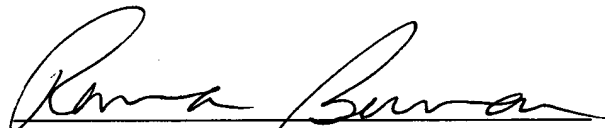
PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2153 (Telephone)
(404) 879-2160 (Fax)

U.S.S.N.: 09/661,773
Filed: September 14, 2000
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Express Mail Label No.: EV 487330145 US
Date of Deposit: October 18, 2005



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this Transmittal of Information Disclosure Statements and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, October 18, 2005, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EV 487330145 US, addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Ronna Berman

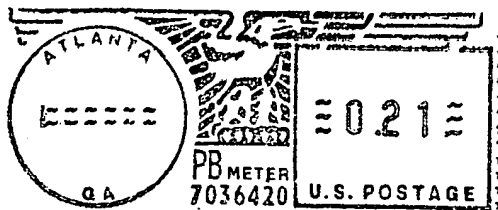
Date: October 18, 2005



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10-29-01

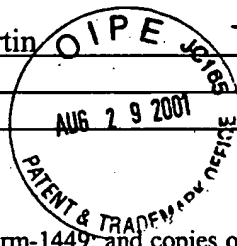
MS



Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3400

The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

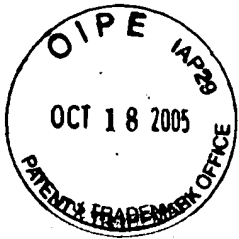
Applicants: Simon F. Williams and David P. Martin TEPH 102
Serial & Docket Nos.: 09/661,773
Filed: September 14, 2000
Papers Submitted:



Information Disclosure Statement; four (4) pages of Form-1449, and copies of forty-eight (48) documents cited therein.

Date: August 27, 2001 Client/Matter No.: 077930/00003
By: Patrea L. Pabst, Reg. No. 31,284

ATL1 #479419 v1



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Simon F. Williams and David P. Martin

Serial & Docket Nos.: 09/661,773

Filed: September 14, 2000

Papers Submitted: _____

Information Disclosure Statement; four (4) pages of Form-1449; and copies of forty-eight (48) documents cited therein.

Date: August 27, 2001 Client/Matter No.: 077930/00003

By: Patrea L. Pabst, Reg. No. 31,284

ATL1 #479419 v1

Docketed for _____

By: 908

Date: 9-1-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Simon F. Williams and David P. Martin

Serial No.: 09/661,773

Art Unit: 1614

Filed: September 14, 2000

Examiner: Not Yet Assigned

For: *POLYHYDROXYALKANOATE COMPOSITIONS FOR SOFT TISSUE
REPAIR, AUGMENTATION AND VISCOSSUPPLEMENTATION*

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit an Information Disclosure Statement, including four (4) pages of Form PTO-1449 and a copy of each document cited therein.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-1868.

U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
4,664,655	05-12-1987	Orentreich et al.	604/232
4,758,234	07-19-1988	Orentreich et al.	604/232
4,938,763	07-03-1990	Dunn et al.	604/891.1
5,204,382	04-20-1993	Wallace et al.	523/115
5,278,201	01-11-1994	Dunn et al.	523/113
5,278,202	01-11-1994	Dunn et al.	523/113

U.S.S.N.: 09/661,773
Filed: September 14, 2000
INFORMATION DISCLOSURE STATEMENT

5,489,470	02-06-1996	Noda	428/286
5,502,116	03-26-1996	Noda	525/415
5,563,239	10-08-1996	Hubbs, et al.	528/361
5,709,854	01-20-1998	Griffiths-Cima et al.	424/93.7
5,728,752	03-17-1998	Scopelianos et al.	523/113
5,824,333	10-20-1998	Scopelianos et al.	424/423

Foreign Documents

<u>Number</u>	<u>Publication Date</u>	<u>Patentee</u>	<u>Country</u>
WO 94/02184 A1	02-03-1994	Medinvent	PCT
WO 96/21427 A1	07-18-1996	Atrix Laboratories, Inc.	PCT
WO 96/40304 A1	12-19-1996	Reprogenesis, Inc.	PCT
WO 99/11196 A1	03-11-1999	Point Biomedical Corporation	PCT
WO 99/32536 A1	07-01-1999	Metabolix, Inc.	PCT
WO 98/51812 A2	11-19-1998	Metabolix, Inc.	PCT
0 432 443 A1	06-19-1991	Boehringer Ingelheim	EP

Publications

AGOSTINI, et al., "Synthesis and Characterization of Poly- β -Hydroxybutyrate. I. Synthesis of Crystalline DL Poly- β -Hydroxybutyrate from DL- β -Butyrolactone," *Polym. Sci.* Part A-1, 9:2775-2787 (1971).

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DE SMET, et al., "Characterization of intracellular inclusions formed by *Pseudomonas* oleovorans during growth on octane," *J. Bacteriol.* 154:870-78 (1983).

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HOCKING & MARCHESSAULT, "Syndiotactic poly[(R,S)- β -hydroxybutyrate] isolated from methyaluminoxane-catalyzed polymerization," *Polym. Bull.* 30:163-170 (1993).

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HOLMES, "Biologically Produced (R)-3-hydroxyalkanoate Polymers and Copolymers," in Bassett Ed., "Developments in Crystalline Polymers," pp. 1-65 (Elsevier, London, Vol. 2, , 1988).

HORI, et al., "Ring-Opening Copolymerization of Optically Active β -Butyrolactone with Several Lactones Catalyzed by Distannoxane Complexes: Synthesis of New Biodegradable Polyesters," *Macromolecules* 26:4388-4390 (1993).

HORI, et al., "Ring-Opening Polymerization of Optically Active β -Butyrolactone Using Distannoxane Catalysts: Synthesis of High Molecular Weight Poly(3-hydroxybutyrate)," *Macromolecules* 26:5533-5534 (1993).

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KOOSHA, "Preparation and characterization of biodegradable polymeric drug carriers," Ph.D. Dissertation, 1989, Univ. Nottingham, UK., *Diss. Abstr. Int. B* 51:1206 (1990).

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LE BORGNE & SPASSKY, "Stereoelective polymerization of β -butyrolactone," *Polymer* 30:2312-2319 (1989).

LEMOIGNE and ROUKHELMAN, "Fermentation β -Hydroxybutyrique Caracterisation et Evolution Des Produits de Deshydratation et de Polymerisation de L'acide β -Dehydroxybutyrique," *Annales des fermentations*, 5:527-36 (1925).

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STEINBÜCHEL, et al., "A *Pseudomonas* strain accumulating polyesters of 3-hydroxybutyric acid and medium-chain-length 3-hydroxyalkanoic acids," *Appl. Microbiol. Biotechnol.* 37:691-97 (1992).

STEINBÜCHEL, "Polyhydroxyalkanoic Acids," in Byrom Ed., "Biomaterials" MacMillan Publishers, London, 1991, pp. 123-213.

TANAHASHI & DOI, "Thermal Properties and Stereoregularity of Poly(3-hydroxybutyrate) Prepared from optically Active β -Butyrolactone with a Zinc-Based Catalyst," *Macromolecules* 24:5732-5733 (1991).

WALLEN and ROHWEDDER, "Poly- β -hydroxyalakaonate from Activated Sludge," *Environ. Sci. Technol.* 8:576-79 (1974).

WILLIAMS & PEOPLES, "Biodegradable plastics from plants," *CHEMTECH* 26:38-44 (1996).

WILLIAMS & PEOPLES, "Making Plastics Green," *Chem. Br.* 33:29-32 (1997).

WILLIAMS, et. al., "PHA applications: addressing the price performance issue I. Tissue engineering," *Int. J. Biol. Macromol.* 25:111-121 (1999).

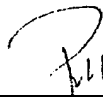
XIE, et al., "Ring-opening Polymerization of β -butyrolactone by Thermophilic Lipases," *Macromolecules* 30:6997-6998 (1997).

U.S.S.N.: 09/661,773
Filed: September 14, 2000
INFORMATION DISCLOSURE STATEMENT

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Dated: August 24, 2001

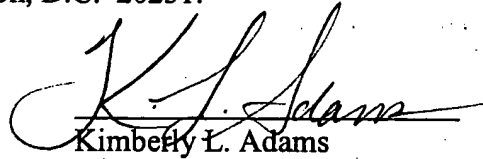
HOLLAND & KNIGHT LLP
One Atlantic Center
1201 West Peachtree Street, N.E.
Suite 2000
Atlanta, Georgia 30309-3400
404-817-8500
FAX 404-817-0470
www.hklaw.com

U.S.S.N.: 09/661,773
Filed: September 14, 2000
INFORMATION DISCLOSURE STATEMENT

Certificate of Mailing under 37 C.F.R. § 1.8(a)

I hereby certify that this Information Disclosure Statement, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: August 27, 2001


Kimberly L. Adams

Substitute for form 1449A/PTO

(use as many sheets as necessary)

Application Number	09/661,773
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Filing Date	September 14, 2001
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First Named Inventor	Simon F. Williams
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Group Art Unit	1614
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Examiner Name

Attorney Docket Number	TEPH 102
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Sheet	1	of	4
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Examiner Initials*	Cite No. ¹	US Patent Document		Name of Patentee or Applicant of Cited Document	Date of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		4,664,655		Orentreich et al.	05-12-1987	
		4,758,234		Orentreich et al.	07-19-1988	
		4,938,763		Dunn et al.	07-03-1990	
		5,204,382		Wallace et al.	04-20-1993	
		5,278,201		Dunn et al.	01-11-1994	
		5,278,202		Dunn et al.	01-11-1994	
		5,489,470		Noda	02-06-1996	
		5,502,116		Noda	03-26-1996	
		5,563,239		Hubbs, et al.	10-08-1996	
		5,709,854		Griffiths-Cima et al.	01-20-1998	
		5,728,752		Scopelianos et al.	03-17-1998	
		5,824,333		Scopelianos et al.	10-20-1998	

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office. ³	Number ⁴	Kind Code ⁵ (if known)				
	WO	94/02184	A1	Medinvent	02-03-1994			
	WO	96/21427	A1	Atrix Laboratories, Inc.	07-18-1996			
	WO	96/40304	A1	Reprogenesis, Inc.	12-19-1996			
	WO	99/11196	A1	Point Biomedical Corporation	03-11-1999			
	WO	99/32536	A1	Metabolix, Inc.	07-01-1999			
	WO	98/51812	A2	Metabolix, Inc.	11-19-1998			
	EP	0 432 443	A1	Boehringer Ingelheim	06-19-1991			

**Examine
Signature**

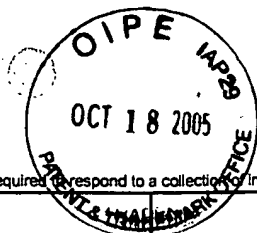
Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commission for Patent, Washington, DC 20231.

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	09/661,773
Filing Date	September 14, 2001
First Named Inventor	Simon F. Williams
Group Art Unit	1614
Examiner Name	
Attorney Docket Number	TEPH 102

Sheet	2	of	4
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OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		AGOSTINI, et al., "Synthesis and Characterization of Poly-β-Hydroxybutyrate. I. Synthesis of Crystalline DL Poly-β-Hydroxybutyrate from DL- β-Butyrolactone," <i>Polym. Sci. Part A-1</i> , 9:2775-2787 (1971).	
		BYROM, "Miscellaneous Biomaterials," in <i>Biomaterials</i> (D. Byrom, ed.) pp. 333-359 (MacMillan Publishers, London 1991).	
		DE KONING et al., <i>Polymer</i> 35:2090-97 (1994);	
		DE SMET, et al., "Characterization of intracellular inclusions formed by <i>Pseudomonas oleovorans</i> during growth on octane," <i>J. Bacteriol.</i> 154:870-78 (1983).	
		DUBOIS, et al., "Macromolecular Engineering of Polylactones and Polylactides. 12. Study of the Depolymerization Reactions of Poly (ε-caprolactone) with Functional Aluminum Alkoxide End Groups," <i>Macromolecules</i> 26:4407-12 (1993).	
		GAGNON, et al., <i>Polymer</i> 35:4358-67 (1994).	
		GAGNON, et al., <i>Polymer</i> 35:4368-75 (1994).	
		GROSS, et al., "Polymerization of β-monosubstituted-β-propiolactones using trialkylaluminum-water catalytic systems and polymer characterization," <i>Macromolecules</i> 21:2657-2668 (1988).	
		HOCKING & MARCHESSAULT, "Syndiotactic poly[(R,S)-β-hydroxybutyrate] isolated from methylaluminumoxane-catalyzed polymerization," <i>Polym. Bull.</i> 30:163-170 (1993).	
		HOCKING & MARCHESSAULT, "Biopolyesters" Griffin, Ed., "Chemistry and Technology of Biodegradable Polymers," pp. 48-96 (Chapman and Hall, London, 1994).	

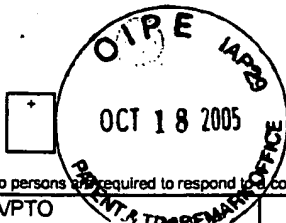
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¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	09/661,773
		Filing Date	September 14, 2001
		First Named Inventor	Simon F. Williams
		Group Art Unit	1614
		Examiner Name	
Sheet 3 of 4	Attorney Docket Number	TEPH 102	

OTHER ART – NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		HOLMES, "Biologically Produced (R)-3-hydroxyalkanoate Polymers and Copolymers," in Bassett Ed., "Developments in Crystalline Polymers," pp. 1-65 (Elsevier, London, Vol. 2, , 1988).	
		HORI, et al., "Ring-Opening Copolymerization of Optically Active β-Butyrolactone with Several Lactones Catalyzed by Distannoxane Complexes: Synthesis of New Biodegradable Polyesters," <i>Macromolecules</i> 26:4388-4390 (1993).	
		HORI, et al., "Ring-Opening Polymerization of Optically Active β-Butyrolactone Using Distannoxane Catalysts: Synthesis of High Molecular Weight Poly(3-hydroxybutyrate)," <i>Macromolecules</i> 26:5533-5534 (1993).	
		KEMNITZER, et al., "Preparation of predominantly Syndiotactic Poly(β -hydroxybutyrate) by the Tributyltin Methoxide Catalyzed Ring-Opening Polymerization of racemic β-Butyrolactone," <i>Macromolecules</i> 26:1221-1229 (1993).	
		KOOSHA, "Preparation and characterization of biodegradable polymeric drug carriers," Ph.D. Dissertation, 1989, Univ. Nottingham, UK., <i>Diss. Abstr. Int. B</i> 51:1206 (1990).	
		LAFFERTY et al., "Microbial Production of Poly-β-hydroxybutyric acid," Rehm and Reed, Eds., "Biotechnology" Verlagsgesellschaft, Weinheim, Vol. 66, 1988, pp. 135-176.	
		LE BORGNE & SPASSKY, "Stereoelective polymerization of β-butyrolactone," <i>Polymer</i> 30:2312-2319 (1989).	
		LEMOIGNE and ROUKHELMAN, "Fermentation β-Hydroxybutyrique Caracterisation et Evolution Des Produits de Deshydratation et de Polymerisation de L'acide β-Dehydroxybutyrique," <i>Annales des fermentations</i> , 5:527-36 (1925).	
		MADISON & HUISMAN, "Metabolic engineering of poly(3-hydroxyalkanoates): from DNA to plastic," <i>Microbiol. Mol. Biol. Rev.</i> 63:21-53 (1999).	
		MÜLLER & SEEBACH, "Poly(hydroxyalkanoates): A Fifth Class of Physiologically Important Organic Biopolymers," <i>Angew. Chem. Int. Ed. Engl.</i> 32:477-502 (1993).	

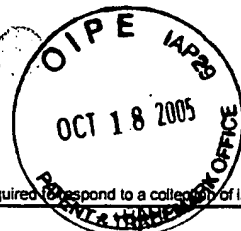
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	09/661,773
Filing Date	September 14, 2001
First Named Inventor	Simon F. Williams
Group Art Unit	1614
Examiner Name	
Attorney Docket Number	TEPH 102

Sheet 4 of 4

OTHER ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		POUTIN & AKHTAR, "Biosynthetic polyhydroxyalkanoates and their potential in drug delivery," <i>Advanced Drug Delivery Reviews</i> 18:133-162 (1996).	
		STEINBÜCHEL, et al., "A <i>Pseudomonas</i> strain accumulating polyesters of 3-hydroxybutyric acid and medium-chain-length 3-hydroxyalkanoic acids," <i>Appl. Microbiol. Biotechnol.</i> 37:691-97 (1992).	
		STEINBÜCHEL, "Polyhydroxyalkanoic Acids," in Byrom Ed., "Biomaterials" MacMillan Publishers, London, 1991, pp. 123-213.	
		TANAHASHI & DOI, "Thermal Properties and Stereoregularity of Poly(3-hydroxybutyrate) Prepared from optically Active β -Butyrolactone with a Zinc-Based Catalyst," <i>Macromolecules</i> 24:5732-5733 (1991).	
		WALLEN and ROHWEDDER, "Poly- β -hydroxyalakaonate from Activated Sludge," <i>Environ. Sci. Technol.</i> 8:576-79 (1974).	
		WILLIAMS & PEOPLES, "Biodegradable plastics from plants," <i>CHEMTECH</i> 26:38-44 (1996).	
		WILLIAMS & PEOPLES, "Making Plastics Green," <i>Chem. Br.</i> 33:29-32 (1997).	
		WILLIAMS, et. al., "PHA applications: addressing the price performance issue I. Tissue engineering," <i>Int. J. Biol. Macromol.</i> 25:111-121 (1999).	
		XIE, et al., "Ring-opening Polymerization of β -butyrolactone by Thermophilic Lipases," <i>Macromolecules</i> 30:6997-6998 (1997).	

Examiner's Signature		Date Considered	
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The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Simon F. Williams and David P. Martin
Serial & Docket Nos.: 09/661,773 TEPH 102
Filed: September 14, 2000
Papers Submitted: _____

Information Disclosure Statement, including two (2) pages of Form PTO-1449 and copies of two (2) documents cited therein.

Date: October 13, 2005 Client/Matter No.: 077930/3
By: Patrea L. Pabst, Reg. No. 31,284

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/661,773

Filing Date

September 14, 2000

First Named Inventor

Simon F. Williams

Art Unit

1615

Examiner Name

Carlos A. Azpuru


Attorney Docket Number

TEPH 102

ENCLOSURES (Check all that apply)

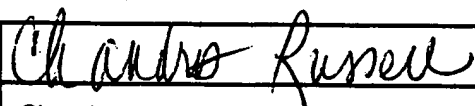
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	2 References
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pabst Patent Group LLP		
Signature			
Printed name	Patrea L. Pabst		
Date	October 13, 2005	Reg. No.	31,284

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	Chandra Russell	Date	October 13, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

Complete if Known

Application Number	09/661,773
Filing Date	September 14, 2000
First Named Inventor	Simon F. Williams
Examiner Name	Carlos A. Azpuru
Art Unit	1615
Attorney Docket No.	TEPH 102

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
18 - 20 or HP =	0	x	0.00			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
3 - 3 or HP =	0	x	0.00			
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement Fee

Fees Paid (\$)

\$180.00

SUBMITTED BY

Signature	Registration No. 31,284 (Attorney/Agent)	Telephone (404) 879-2151
Name (Print/Type) Patrea L. Pabst		Date October 13, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Simon F. Williams and David P. Martin

Serial No.: 09/661,773

Art Unit: 1615

Filed: September 14, 2000

Examiner: Carlos A. Azpuru

For: *POLYHYDOXYALKANOATE COMPOSITIONS FOR SOFT TISSUE
REPAIR, AUGMENTATION, AND VISCOSUPPLEMENTATION*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit a Supplemental Information Disclosure Statement, including (1) page of Form PTO-1449, and copies of the (2) documents cited therein.

This Supplemental Information Disclosure Statement is being filed under 37 C.F.R. §1.97 (c) before the mailing date of a notice of allowance under C.F.R. 1.311. The Commissioner is hereby authorized to charge a fee of \$180.00 to Deposit Account No. 50-3129, representing the fee required under 37 C.F.R. §1.17(p). It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

U.S.S.N.: 09/661,773
Filed: September 14, 2000
SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Foreign Documents			
<u>Number</u>	<u>Publication Date</u>	<u>Patentee</u>	<u>Country</u>
WO 00/51662	09-08-2000	Tepha, Inc.	PCT.
WO 00/56376	09-28-2000	Metabolix, Inc.	PCT

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Dated: October 13, 2005

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151 (Telephone)
(404) 879-2160 (Fax)

